

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 7294(Application 16896)

Paul L. Westerman, Nelda J. Westerman, Blossom H. Retzlaff, Verne H. Retzlaff

ORDER REVOKING LICENSE

SOURCE: Unnamed Stream Tributary to Shingle Creek thence French Creek

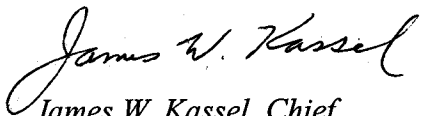
COUNTY: El Dorado

WHEREAS:

1. The State Water Resources Control Board (SWRCB), Division of Water Rights (Division) received an undated letter from Nelda Westerman on January 21, 2004, stating that the spring which served as the water source for License 7294 has been destroyed.
2. The Division in a letter dated May 5, 2004, verified that the Licensee desires to have License 7294 revoked.
3. The Division interprets the Licensee's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1675 through 1675.2.
4. The SWRCB has found that Licensee failed to apply the water to beneficial use under the terms and conditions of this license.

THEREFORE:

It is ordered that License 7294 is hereby revoked by the SWRCB, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past SWRCB decisions regarding water availability.



*James W. Kassel, Chief
Hearings and Special Projects Section*

Dated: **JUN 24 2005**



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

Notice of Change (Over)

APPLICATION 16896

PERMIT 10606

LICENSE 7294

THIS IS TO CERTIFY, That

Paul L. Westerman, Nelda J. Westerman,
Fred G. Jordan, and Blossom H. Jordan
P. O. Box 469
Shingle Springs, California

have made proof as of May 5, 1964

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
an unnamed stream in El Dorado County

tributary to Shingle Creek thence French Creek thence Big Canyon Creek thence
Cosumnes River

for the purpose of domestic and stockwatering uses
under Permit 10606 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from February 15, 1956,
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed one thousand eight hundred
(1800) gallons per day to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located :

North four hundred (400) feet and east seven hundred (700) feet from SW corner of
Section 7, T9N, R10E, MDB&M, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 7.

A description of the lands or the place where such water is put to beneficial use is as follows:

Within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 18, T9N, R10E, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

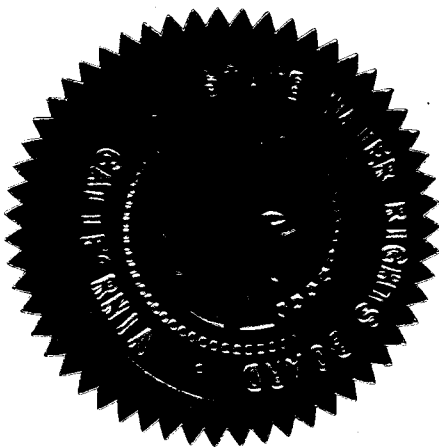
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUN 7 1965



L. K. Hill
L. K. Hill
Executive Officer

10/10/67 Name of Blossom Jordan
chg'd to Blossom H. Retzlaff
10/10/67 Interest of Fred G. Jordan
assigned to Verne H. Retzlaff

LICENSE 7294
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

Paul L. Westerman, Nelda J. Westerman,
ISSUED TO Fred G. Jordan and Blossom
H. Jordan

JUN 7 1965

DATED